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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,248	09/27/2002	Doris MacAllister	02-094-DM	2124

32118 7590 04/05/2005

LAMBERT & ASSOCIATES, P.L.L.C.
92 STATE STREET
BOSTON, MA 02109-2004

EXAMINER

PHAM, HUONG Q

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,248

Applicant(s)

MACALLISTER, DORIS

Examiner

Huong Q. Pham

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

- 5) ☐ Notice of Informal Patent Application (PTO-152)

- 6) ☒ Other: electronic information disclosure statement

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7- 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawasaki et al.

Kawasaki et al teaches a device capable of prevention of the abnormal joint rotation, comprising an appendage securing section constructed and arranged to secure to an appendage , a torso securing section having means for coupling to the appendage securing section, wherein the torso securing section is constructed and arranged to secure to the torso of the patient and to apply correcting pressure directed upon the appendage securing section, wherein the correcting pressure exerted by the torso securing section upon the appendage securing section is capable of countering the direction of the abnormal joint rotation. As for claim 7, the band of Kawasaki et al is made of low-stretchable fiber, and therefore has certain degree of elasticity. As for claim 13, note that the appendage securing section of Kawasaki et al has a first end and a second end; and the torso securing section has a first end, an intermediate section, and a securing end, wherein the securing end of the torso securing section has means for coupling to the appendage securing section (figures 5A- 5C) . As for claims 14, 15, the

Art Unit: 3764

appendage securing section of Kawasaki et al has means 11 for coupling of the first end of the appendage securing section to the second end of the appendage securing section. As for claims 16, 17, note that the torso securing section of Kawasaki et al has means for coupling of the first end of the torso securing section to the intermediate section of the torso securing section (all sections are connected) . As for claim 18, note that the second end of the appendage securing section is joined to the first end of the torso securing section thereby forming a wrap.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki et al in view of Engel.

Note the comments above for the teaching of Kawasaki et al. Engel teaches magnets secured on a torso securing device for magnetic therapy (figure 4). In view of the teaching of Engel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a magnetic body to the torso securing section of Kawasaki et al to provide magnetic treatment to a user.

Claims 6, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki et al.

Note the comments above for the teaching of Kawasaki et al. As for claim 6, note that the device of Kawasaki et al has a structure which is capable of being used on a shoulder joint. As for claim 19, Kawasaki et al teaches the recited steps including the steps of placing the first end of the appendage securing section of the wrap against an inside of patient's thigh of the leg wherein the appendage securing section of the wrap is positioned in front of the thigh (figure 5A); wrapping the appendage securing section of the wrap at least once around the thigh; wrapping the torso securing section at least once around patient's torso by bringing the torso securing section of the wrap up and over the lateral side of the hip, over patient's lower back, and over patient's lateral side; and coupling of the securing end of the torso securing section of the wrap to the appendage securing section at the front of the thigh. Note that by performing these wrapping steps, the device of Kawasaki et al can prevent the external rotation of the hip as recited.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al.

Hori et al teaches the recited steps including the steps of placing the first end of the appendage securing section of the wrap against an outside of patient's thigh (note in figure 16, the first end of the appendage securing section is the section on the lateral side of the patient's thigh), wherein the appendage securing section of the wrap is positioned in front of the thigh; wrapping the appendage securing section of the wrap at

Art Unit: 3764

least once around the thigh; wrapping the torso securing section at least once around the patient's torso by bringing the torso securing section of the wrap up and over the front of the thigh and over the abdomen, over patient's lateral side, and over patient's lower back; and coupling of the securing end of the torso securing section of the wrap to the appendage securing section at the front of the thigh (note that the securing end of the torso securing section of the wrap is secured to the appendage securing section at the location which is at " the front of the thigh") .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huong Q. Pham whose telephone number is (571) 272-4980. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272 - 4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/065,248

Page 6

Art Unit: 3764

March 16, 2005

A handwritten signature in cursive script, appearing to read "Michael A. Brown".A handwritten signature in cursive script, appearing to read "Michael A. Brown".

MICHAEL A. BROWN
PRIMARY EXAMINER